

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

6/w.m.
6/26/01

In re Application of:)
T. OSHIBA et al.)
Serial No.: 09/505,459) Art unit: 1753
Filed: February 11, 2000)
For: TONER AND DEVELOPER FOR)
DEVELOPING ELECTROSTATIC)
IMAGE AND IMAGE FORMING)
METHOD)

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TC 1700 MAIL ROOM

DECLARATION UNDER 37 C.F.R. 1.132

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Sir:

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DANIEL F. DREXLER
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)
D.F.D. 15 JUNE 2001
SIGNATURE DATE

I, Ken Ohmura hereby declare and say as follows:

1. I have earned and been awarded a Masters Degree in Material Science from the University of Electro-Communications in Tokyo, Japan in March of 1988. Since April of that year, I have been employed by Konica Corporation, the Assignee of the above-identified Application, and been engaged in Research and Development in the fields of photocopier developers and toners. I am one of the Inventor of the subject matter of this Application.

2. I read the outstanding Office Action as well as cited references, particularly Kobayashi, Ugai and Sato, the primary references to main claim of the instant application. The experiments were conducted under my supervision to show the toners referred to by the Examiner and described in these references are distinguished from those claimed in the instant application.
3. Toner sample K was prepared in accordance with the description of Example 3 of US 5,376,493 (Kobayashi).
4. Toner samples Q and R were prepared in accordance with the description of US 5,856,055 (Ugai), Samples Q and R, respectively.
5. Toner sample S was prepared in accordance with the description of Sample 23.
6. Content and isolation ratio of each toner were measured in the same way as disclosed on page 35 of the instant specification. Developers employing each toner were prepared and image formation test was conducted employing the obtained developer in the same way as disclosed on pages 36 to 37. Element, its content and isolated ratio in each toner and test results are shown in the following table, in addition to part of Table of the specification on page 38 for the convenience of comparison.
7. The isolated ratio of the samples described in the cited references does not fall within the value recited in claim of the instant application. Consequently the instant invention as claimed is not anticipated by the cited references.
8. Charging amount of each Samples of the cited references reduces about half after 10,000 copies

from the initial time. The difference between the initial time and after 10,000 copies are much larger than the samples of the invention. Further, for all Sapless of the cited references fog is formed. The result shown in the Table is unexpected.

	Specified element in toner			Kind of carrier	Charging amount		Forma- tion of fog
	Kind	Content (% by weight)	Iso- lated ratio		Initial time	After 10,000 printing	
Sample K (Kobayashi)	Cu	0.67	12.6	carrier 1	-28.4	-14.1	Fog found
Sample Q (Ugai)	Fe	0.22	18.3	carrier 1	-31.4	-17.4	Fog found
Sample R (Ugai)	Fe	0.13	13.7	carrier 1	-29.8	-14.8	Fog found
Sample S (Sato)	Cr	0.14	14.2	carrier 1	-24.6	-13.1	Fog found
Example 1	Fe	33.9	0.5	-	-5.3	-5.1	None
Example 2	Fe	34.0	5.2	-	-5.3	-4.2	None
Example 3	Fe	33.5	3.1	-	-5.2	-4.5	None
Example 4	Fe	33.8	0.3	-	-4.1	-4.1	None
Example 5	Cu	0.29	2.7	carrier 1	-29.1	-25.7	None
	Cr	0.20	0.5				
Example 6	Cu	0.29	8.6	carrier 2	-20.7	-15.8	None
Example 7	Cu	0.29	5.7	carrier 2	-20.1	-16.1	None
Example 8	Cu	0.29	2.7	carrier 2	-20.2	-16.9	None
Example 9	Cu	0.27	0.7	carrier 2	-20.1	-19.1	None
Example 10	Zn	0.20	2.5	carrier 1	-22.1	-19.6	None
Example 11	Zn	0.20	2.1	carrier 1	-23.4	-21.2	None
Example 12	Cr	0.16	2.3	carrier 1	-24.7	-21.9	None
Example 13	Cr	0.16	1.9	carrier 1	-25.1	-23.2	None
Example 14	Cr	0.15	1.1	carrier 1	-25.5	-23.8	None
Example 15	Fe	0.13	1.5	carrier 1	-24.6	-23.1	None
Example 16	Mo	0.80	1.7	carrier 3	23.5	-22.2	None

The undersigned declares further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be

true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Ken Ohmura

Ken OHMURA

Dated: This 13th day of June 13, 2001.